

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 04/06/2000	NUMBER 04.01.110
SUBJECT ACCESS TO DEPARTMENT FACILITIES		SUPERSEDES 04.01.110 (01/19/87); DOM 2000-7	
		AUTHORITY MCL 4.355 et seq.; 19.141; 750.552b; 764.23a; 791.203; 791.204; 791.262; 800.281 et seq.; Administrative Rule 791.2220	
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POLICY STATEMENT:

Non-employees shall be provided access to Department facilities to conduct business, learn about corrections, or observe facility activities or operations, as set forth in this policy.

RELATED POLICIES:

01.06.130	Media Relations
03.02.105	Volunteer Services and Programs
03.02.135	Office of the Legislative Corrections Ombudsman
05.03.140	Prisoner Visiting

POLICY:

DEFINITION

- A. News Media Representatives - Persons primarily employed to gather or report news for any of the following:
1. A newspaper of general circulation in the community in which it publishes;
 2. A magazine of statewide or national circulation sold at newsstands or by mail to the general public;
 3. A radio or television station licensed by the Federal Communications Commission (FCC).
 4. Other legitimate publications or news gathering operations, as determined by the Administrator of the Office of Public Information and Communications.

GENERAL INFORMATION

- B. This policy does not apply to volunteers who are permitted entry into correctional facilities pursuant to PD 03.02.105 "Volunteer Services and Programs". This policy also does not apply to persons visiting prisoners pursuant to PD 05.03.140 "Prisoner Visiting". Access to a correctional facility by staff of the Office of the Legislative Corrections Ombudsman is governed by PD 03.02.135 "Office of the Legislative Corrections Ombudsman" and Paragraphs H, P and Q of this policy.
- C. Individuals shall not bring alcoholic liquors, prescription drugs, controlled substances, poisons, weapons, or any items which may be used to assist in the escape of a prisoner into a facility or onto facility grounds without prior authorization of the facility head.
- D. Individuals shall not willfully trespass on the property of a Correctional Facilities Administration (CFA) facility, the Special Alternative Incarceration Program (SAI) facility, or a Technical Rule Violation center. Shift commanders and staff assigned to perimeter security vehicles shall have authority to arrest persons who enter into a posted area or refuse to leave facility property after being instructed by staff that they are required to leave. Only that degree of force authorized pursuant to PD 04.05.110 "Use of

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Force" shall be used to effect the arrest and to detain a person who attempts to flee. All arrests shall be reported immediately to the facility head. The Michigan State Police (MSP) shall be contacted immediately to take the arrested person into custody. The arrested person shall be detained at the facility awaiting MSP arrival. The person shall not be detained in a prisoner cell or room.

INDIVIDUALS WHO MAY BE APPROVED ENTRY INTO CORRECTIONAL FACILITIES

- E. Persons under the age of 18 and the merely curious shall not be permitted to enter a correctional facility. Other individuals may enter a correctional facility to conduct business, perform maintenance functions, or participate in special activities, with the approval of the facility head or designee. The facility head or designee also may approve facility tours for criminal justice professionals, college classes in the areas of criminal justice or corrections, and other individuals or groups who want to learn about correctional facilities. The potential risk to the custody and security of the facility and potential disruption to facility operations shall be considered in determining whether to approve entry.
- F. Requests from the Governor, Lieutenant Governor, legislators, judges, prosecutors, and law enforcement officers on official business to enter or tour a correctional facility shall be approved. Although encouraged to visit during business hours, these individuals shall not be denied access during non-business hours. However, legislative staff not accompanied by a legislator shall not be admitted during non-business hours unless prior approval is received from the facility head or designee. The Executive Assistant to the Director shall be notified whenever a request to enter or tour a facility is received from a legislator or his/her staff.
- G. Other individuals or groups shall be permitted entry inside a correctional facility with approval of the Director or the appropriate Deputy Director.
- H. Only Department employees and employees of the Office of the Legislative Corrections Ombudsman, MSP, Michigan National Guard, local law enforcement and local fire departments shall be permitted entry into a correctional facility during a facility disturbance, without specific approval of the facility head, CFA Regional Prison Administrator, Field Operations Administration (FOA) Regional Administrator, or CFA or FOA Deputy Director, as appropriate. Access by anyone to specific areas within the facility shall be at the discretion of the facility head.

News Media Representatives

- I. It is recognized that news media representatives may want access to a Department facility to facilitate a news story or report. The Department therefore will provide access as set forth below.
- J. Except for visits conducted with offenders in accordance with PD 01.06.130 "Media Relations" and PD 05.03.140 "Prisoner Visiting", news media representatives will be permitted entry into a correctional facility only with prior approval from the Director or designee. Such requests shall be directed to the appropriate media spokesperson for the facility or to the Administrator of the Office of Public Information and Communications (OPIC). The media spokesperson or OPIC Administrator shall obtain all relevant information regarding the request, including the reason for the request, materials requested to be brought into the facility (e.g., notepad), anticipated length of time to be in the facility, specific areas or events to be viewed, and the names of all news media representatives who will need to gain entrance. This information shall be submitted through the appropriate chain of command to the Director or designee for a final determination.
- K. Requests to enter a facility will be approved only if it is determined that entry under the circumstances requested would not pose a threat to the security and order of the facility and not be unduly disruptive to facility operations. Due to the unique security concerns and disruption presented by the use or possession of a camera or other audio or visual recording device within a facility, such requests will be granted only in limited, unique circumstances. If the request is approved, the news media representative shall be permitted entry into the facility only under the conditions approved by the

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Director or designee. The news media representative shall be subject to all other requirements set forth in this policy.

- L. If the use of a camera or other audio or visual recording device is approved, the news media representative may photograph or film an offender without consent if it is done in a manner which will not attract attention to the offender. Consent also is not required in group photographs or filming which do not single out any offender although the offenders are identifiable. In such cases, offenders who do not want to be photographed or filmed may simply turn away or, if authorized to do so, leave the area. Under all other circumstances the voluntary consent of the offender is required in order for the offender to be photographed or filmed. If the offender has a legal guardian or is under 18 years of age and is not emancipated (i.e., married or for whom a court has issued an order of emancipation), the consent must instead be obtained from the offender's parent or legal guardian. No one shall be forced or coerced into providing consent. If the offender or, if applicable, parent or legal guardian voluntarily consents, s/he shall be required to sign the Client Release Form (CSJ-305).

LAW ENFORCEMENT INFORMATION NETWORK (LEIN) CHECKS

- M. The facility head or designee may request that a criminal history and/or an outstanding warrant check be run through the LEIN on any individual prior to granting him/her admission into the facility. Any outstanding warrant or history of criminal behavior shall be reported immediately to the facility head or designee. The facility head or designee shall determine whether entry will be approved.

SPECIAL REQUIREMENTS FOR ENTRY

- N. Individuals authorized entry into a correctional facility shall be required to register into and out of the facility. Only those items specifically approved by the facility head or designee, or by the Director or designee if a news media representative, shall be allowed to be brought into the facility. In a CFA facility, such items shall be identified on a Gate Manifest/Load Manifest (CSJ-404) signed by the Warden or designee.
- O. The facility head shall ensure all individuals authorized entry into a correctional facility are advised of rules that they must follow while in the facility. The facility head may order any individual who disregards facility rules or the conditions under which entry was approved to immediately leave the facility.

Search

- P. All individuals entering a facility shall be searched in accordance with PD 04.04.110 "Search and Arrest of Prisoners, Employees and Visitors". Staff of the Office of the Legislative Corrections Ombudsman shall be searched in the same manner as a Department employee.

Escort

- Q. Staff of the Office of the Legislative Corrections Ombudsman need not be accompanied by a staff person when inside a correctional facility. Those individuals identified in Paragraph F shall be accompanied by a staff person. A news media representative shall be accompanied by at least one staff person, who shall be fully briefed as to the reason for entry and the conditions under which entry has been approved. All other individuals shall be accompanied by a staff person if directed by the facility head.

OPERATING PROCEDURES

- R. Each CFA Regional Prison Administrator, the FOA Deputy Director, and the Executive Assistant to the Director shall ensure that within 60 days of its effective date, procedures necessary to implement this policy directive are developed.

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AUDIT ELEMENTS

- S. A Primary Audit Elements List has been developed and will be provided to Wardens, FOA Regional Administrators, the SAI facility Administrator, and the Executive Assistant to the Director to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

BM:OPH:03/29/00